

**MINUTES
COLUMBUS BOARD OF ZONING APPEALS
AUGUST 24TH, 2010
COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Present: Mary Ferdon, Chairperson; Dave Bonnell, Secretary; and Lou Marr

Staff Present: Laura Thayer, Assistant Planning Director; Alan Whitted, Deputy City Attorney; Heather Pope, Senior Planner; Derek Naber, Associate Planner; and Stephanie Carr, Code Enforcement.

PUBLIC MEETING

Mary Ferdon, Chairperson, opened the meeting with a brief explanation about the Board and its responsibilities.

Proof of advertising for all cases was confirmed. The petitions and staff comments are a permanent record at the Planning Department.

Alan Whitted, Deputy City Attorney, administered the oath to all in attendance that would be speaking.

OLD BUSINESS REQUIRING BOARD ACTION

C/CU-10-11 Westside Community Church

Westside Community Church is a request for conditional use approval per Zoning Ordinance Section 3.9 (B) to allow a worship facility in an RS2 (Single-family Residential) zoning district. The property is located on the southwest corner of Tipton Lakes Boulevard and State Road 46 in the City of Columbus.

C/DS-10-07: Westside Community Church

Westside Community Church is requesting a development standards variance from Zoning Ordinance Section 3.9 (C) to allow the height of the primary structure to be 45 feet, 5 feet higher than the maximum height of 40 feet; and a development standards variance from Zoning Ordinance section 6.1 (E)(3) to allow 4 accessory structures in a front yard. The property is located on the southwest corner of Tipton Lakes Boulevard and State Road 46 in the City of Columbus.

Ms. Pope began the meeting with a power point presentation and read the background into the record.

She said that the applicant has indicated that the proposed conditional use will allow a worship facility in the RS2 (Single Family Residential) zoning district.

Ms. Pope said variance number (1) is to allow the height of the primary structure to be 45 feet, 5 feet higher than the maximum height of 40 feet in the RS2 zoning district and variance number (2) to allow 4 accessory structures in a front yard.

Petitioners Dennis Aud and Doug Thomas stated their names and address for the record.

Mr. Thomas began with his own point presentation of the property.

He said the proposed worship facility will be located over 650 feet from State Road 46 and 447 feet from Tipton Lakes Boulevard, giving the appearance of reduced height.

Mr. Thomas said the property consists of 30 acres and where the proposed structures are to be located is wooded. He said additionally they are set back 250 feet from all property lines. The location of the buildings will not change the proposed use for the property or its relationship to adjacent property.

Addressing criteria number (3) he said the building is proportioned in a way to help distinguish it as a place of worship from other institutional uses. Mr. Thomas said the height is used to allow the introduction of light in a way that it is perceived to come from within and height is used to amplify acoustics. He said most importantly the height is used to remind those entering they are in the presence of the higher reality.

The meeting was open to the public.

Tipton Lakes Association was in support of the variance request.

The meeting was closed to the public.

Dave Bonnell made a motion to approve **C/CU-10-11** to allow a worship facility in an RS2 (Single Family Residential), adopting staff's findings of fact, with the following recommendations:

1. The development of the property shall comply in every way with the standards for the "P" (Public/Semi-Public Facilities) Zoning District, including but not limited to signage, landscaping, lighting, buffering, etc., with the exception that the preservation of the existing woods internal to the site as shown on the site plan shall substitute for all site interior landscaping.
2. The natural woods along the west property line shall be retained as a buffer for future development to the west (likely to be residential development). This should include a 20 foot setback for all buildings and parking areas and the prohibiting of any

construction activity in the drip line of any trees the trunks of which are located in the required setback.

3. Pedestrian easement along State Road 46 for possible future trail construction.
4. Sidewalk to be installed along State Road 46 with Phase 3 if property to the immediate west has been annexed, zoned residential, and/or developed for residential when that phase is constructed.

The motion was seconded by Lou Marr, and passed 3-0.

Mary Ferdon made a motion to approve variance #1 based on the findings of fact as presented by staff, except for criterion 3. She said she believed that the strict application of the terms of zoning ordinance would result in practical difficulties in the use of the property. She said the P (Public/Semi Public) Zoning District has been applied to all development standards of this request; therefore, the height variance should be permitted as 50 feet is the maximum allowed in the P zoning district.

Dave Bonnell seconded the motion, and it carried with a vote of 3-0.

Dave Bonnell made a motion to approve variance request #2 to allow an accessory structure based on the findings of fact as presented by staff. Lou Marr seconded the motion and it carried with a vote of 3-0.

C/DS-10-10: Coach’z Cutz

Ray Gipson is requesting a development standards variance from Zoning Ordinance Section 7.1(Table 7.2) to allow a property occupied by a home and person service use (barbershop) to have 1 onsite parking space, 7 fewer than required. The property is located at 1453 Washington Street in the City of Columbus.

Derek Naber began by reading the background along with the findings of fact into the record.

He said that the applicant Ray Gipson indicated that the proposed variance is to allow a property with a single-family home and personal service use (a barbershop) and to have 1 onsite parking space, 7 fewer than required.

Mr. Naber said that Mr. Gipson had stated that Coach’s Cutz will be an appointment only barbershop and there will be no walk-ins which should reduce the demand for parking.

He said that the shop hours would be from 8 a.m. until 6 p.m and there will be 3 chairs at the business which will require 6 parking spaces.

Mr. Naber said that there is a letter from the property owner stating that the 1 available parking space can be used for the business.

He said the City Engineer stated that the site is located on the southeast corner of 15th & Washington; 15th is a local street with on-street parking; Washington is an arterial street

with no parking. The site is approximately 5,000 square feet and contains 1 commercial structure and 1 residential structure; the residential structure has no on-site parking.

Mr. Naber said the City Engineer said if the proposed barber shop contains 2 chairs only, they are not opposed to the request.

He said that City Utilities had no comments.

Ray Gipson stated his name and address for the record.

He said that he also coached High School so he would not be in after 3:00 and some weekends. He said they would be making their appointments 30-45 minutes apart so there would not be a lot of traffic in and out of the salon.

The meeting was open to the public.

Dale Doup who owns the house at 1503 Washington was against the request.

Greg North was in favor of the petition.

The meeting was closed to the public.

Mary Ferdon made a motion to approve **C/DS-10-10** accepting the staff's findings of fact along with the following conditions: (1) the business hours will be from 8 am to 6 pm, Monday through Saturday, and (2) the maximum number of barber chairs will be 3. Lou Marr seconded the motion and it passed with a vote of 3-0.

C/DS-10-12: Columbus Regional Hospital

A request by Columbus Regional Hospital for a development standards variance from Zoning Ordinance Section 8.2(C) to allow a Type A Buffer Yard to have a width of 1 foot, 24 feet less than required; a development standards variance from Zoning Ordinance Section 7.2(Part 4)(B)(2) to allow the parking lot setback on the west side of the property to be 0.5 feet, 4.5 feet less than required; a development standard variances from Zoning Ordinance Section 3.22(C) to allow a side setback for a structure to be 0.5 feet, 9.5 feet less than the required minimum setback of 10 feet; and a development standards variance from Zoning Ordinance Section 7.3(Part 1)(C)(3)(c) to allow an entrance from a public street to be 35 feet from an existing entrance, 65 feet less than required for a local street. The property is located at 1716 Keller Avenue in the City of Columbus. request by Columbus Regional Hospital for a development standards variance for relief from the requirement to install a Buffer Yard Type A between a I1 (Light Industrial) and a R4 (Single-family Residential) zoning district, per Zoning Ordinance Section 8.2(Table 8.3) and Zoning Ordinance Section 8.2(C); except for the requirement to install landscaping per Zoning Ordinance Section 8.2(C) (1) (b). The property is located at 1716 Keller Avenue in the City of Columbus.

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Ms. Pope began the meeting with a power point presentation of the property and the surrounding area and read the background into the record.

Ms. Pope said that the City Engineer had no objections to the proposed variances and that future site plan review will include drainage review for the proposed parking lot.

Tim Allen, Independent Land Surveyor stated his name and address for the record.

Mr. Allen said the 15' feet platted alley acts as a buffer and they are proposing an opaque wood fence along with landscaping exceeding the requirements.

He said the transition area of the parking setback will not interfere with the use of the public alley and existing building is currently 0.5 feet from the property line, and the proposed canopy will be in the line with the existing building

The meeting was open to the public.

Bob Peabody, 1739 Caldwell, spoke against the request for the fence and submitted a letter signed by several of the neighbors that had concerns with the variance request.

Mary Ferdon read a letter into the record from several neighbors opposed to the request signed by the following:

Robert Peabody 1739 Caldwell Columbus, Indiana
B.A.Roberts 1737 Caldwell Columbus, Indiana
Jane Peabody 1739 Caldwell Columbus, Indiana
Zachary Schoettmer 1741 Caldwell Columbus, Indiana
Peggy Gilbert 1732 Keller Columbus, Indiana
Bill Wooes 1721 Caldwell Columbus, Indiana
Debra Bumbalough 1735 Caldwell Columbus, Indiana

Barbara A. Roberts, 1737 Caldwell, had some additional comments about the landscaping.

Rick Gilbert, 1732 Keller, also had some concerns.

The meeting was closed to the public.

Mr. Allen addressed the concerns from the public hearing.

He said after meeting with the neighbors and hearing their concerns in regards to views, security and safety, the hospital is okay with removing the fence.

Ms. Ferdon asked that the petitioners meet with the neighbors as well as the Planning Department so that everyone is all in agreement.

Dave Bonnell made a motion to continue **C/DS-10-12**, variance request number #1, to allow a Type A Buffer Yard to have a width of 1 foot, 24 feet less than required. Lou Marr seconded the motion and it passed with a vote of 3-0.

Dave Bonnell made a motion to approve **C/DS-10-12**, variance request # 2, to allow the parking lot setback on the west side of the property to be 0.5 feet, 4.5 feet less than required, adopting staff's findings of fact. Lou Marr seconded the motion and it passed with a vote of 3-0.

Dave Bonnell made a motion to approve **C/DS-10-12**, variance request # 2, to allow a side setback from a structure to be 0.5, 9.5 feet less than the required minimum setback of 10 feet, adopting staff's findings of fact. Lou Marr seconded the motion and it passed with a vote of 3-0.

Dave Bonnell made a motion to approve **C/DS-10-12** variance request #3 to allow an entrance from a public street to be 35 feet from an existing entrance, 65 feet less than required for a local street, adopting staff's findings of fact. Lou Marr seconded the motion and it passed with a vote of 3-0.

C/DS-10-13: Kenneth St. Clair

Kenneth St. Clair is asking for a for a development standards variance from Zoning Ordinance Section 6.1 (A) to allow an accessory structure to be located on a lot other than the lot on which the primary structure is located; and development standards variance from Zoning Ordinance Section 7.3(Part 2)(A) to allow a property line in the CC (Community Commercial) zoning district to be developed without providing a sidewalk within the adjoining right of way. The property is located at 2171 Cottage Avenue (east side of Cottage Avenue, approximately 140 feet south of Central Avenue), in the City of Columbus.

Kenneth St. Clair and Mark Daugherty stated their names and addresses into the record.

Ms. Thayer began by reading the background of the variance request.

She said the applicant is requesting two variances for the purpose of constructing an accessory building.

She said the City Engineering has no objection to the proposed variance for the accessory structure and the street does not have curbs and gutters. It is preferred that a sidewalk not be installed on this lot until such a time that a sidewalk and related infrastructure is installed along the entire block.

Ms. Thayer said that City Utilities and Columbus Fire Department have no issues.

Mr. Daugherty said the purpose of the building is to store lawnmowers, ladders and other tools that the property owner uses to maintain the adjacent land and building.

He said that the adjacent properties would be screened from view of the proposed yard barn by existing fencing and vegetation on the property. No additional traffic would be created as access will be from existing gate and fence.

The meeting was open to the public.

There was no one to speak for or against this request.

The meeting was closed to the public.

Dave Bonnell made a motion to approve **C/DS-10-13** to allow a 192 square feet accessory building on a lot other than the lot on which the primary structure is located, adopting the staff's findings of fact. Lou Marr seconded the motion and it passed with a vote of 3-0.

Dave Bonnell made a motion to approve **C/DS-10-13** variance request #2 to allow a property to be developed without providing a sidewalk, adopting the staff's findings of fact for criteria 1 and 2. In regards to criterion 3, he stated that there are practical difficulties in providing the sidewalk because the related infrastructure is not present. Lou Marr seconded the motion and it passed with a vote of 3-0.

C/DS-10-11: Northern Village

Northern Village Associates, LLC is a request for a development standards variance from Zoning Ordinance Section 7.1(Table 7.2) to allow 456 parking spaces for a shopping center, 69 fewer than the required 525 parking spaces, and a development standards variance from Zoning ordinance Section 7.2(Part 4) (B) (2) to allow parking spaces and drives on adjoining lots to maintain a setback of 0 feet from the adjacent side and rear property lines, 5 feet less than the required minimum setback. The properties are located on the northwest corner of National Road and Middle Road (2985 National Road) in the City of Columbus.

Derek Naber began by reading the background along with the findings of fact into the record.

He said that Northern Village Associates, is creating a new outlot along National Road, which would alter the existing parking layout and reduce the number of existing spaces.

Mr. Naber said this will result in the need to file the two variances.

Mr. Naber said the property has one commercial structure and two other restaurant outlets and there is also a large parking area which includes a location for outdoor sales.

He said no flood hazards exist at this location and the property gains access from National Road and has three access points along Middle Road.

Mr. Naber said the City Engineer does not object to the proposed variance and modifications to the driveway on National Road will require an INDOT permit.

He said the City Utilities said it will be the developer's responsibility to extend water and sewer services to the newly created outlot.

Jeff Washburn and Mike McIver, representing the petitioner, stated their names and address into the record.

Mr. Washburn began by saying that it had been a pleasure working with the Planning Department on this project.

He then addressed the first variance, related to parking. He said with the type of store that Rural King has there does not create much of a demand for parking and he believed there would be adequate parking available.

Mr. Washburn said, in regards to the second variance, there are stripes painted on the ground for parking. When the new lot is configured, those stripes are still going to be there and they are going to overlap the property lines, and that creates the nonconformity.

Mr. Washburn said we will then come in when the construction begins and top coat that area, re-stripe the parking spaces, and at that point in time we will be in conformity.

There was a brief discussion on the landscaping.

The meeting was open to the public.

Mr. Starky of 2219 Sharon Lane had some questions on the setback and landscaping.

Ms. Ferdon read a letter into the record from George Dutro who was opposed to the request.

The meeting was closed to the public.

Dave Bonnell made a motion to approve **C/DS-10-11**, variance request #1, to allow 456 parking spaces for a shopping center, 69 fewer than the required 525 spaces, adopting staff's findings of fact. Mary Ferdon seconded the motion and it passed with a vote of 3-0.

Dave Bonnell made a motion to approve **C/DS-10-11**, variance request #2, based on the staff's findings of fact, and with the condition that once Lot 1-A is developed, both properties will be brought into conformance with the zoning ordinance. Mary Ferdon seconded the motion and it passed with a vote of 3-0.

The following findings of fact were presented to the Board for Consideration:

C/CU-10-12: William Purdue

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Dave Bonnell made a motion to accept the findings of fact, and it was seconded by Lou Marr. The motion passed by a vote of 3-0.

C/UV-10-03: First United Methodist Church

Lou Marr made a motion to accept the findings of fact, and it was seconded by Dave Bonnell. The motion passed 3-0.

C/DS-10-08: MDL Mold and Die Components

Dave Bonnell made a motion to accept the findings of fact, and it was seconded by Lou Marr. The motion passed by a vote of 3-0.

APPROVAL OF MINUTES

Lou Marr made a motion to approve the minutes of the July 27, 2010 meeting, which was seconded by Dave Bonnell. The motion was approved by a vote of 3-0.

DISCUSSION

There being no other business the meeting was adjourned.

Mary Ferdon, Chair

Dave Bonnell, secretary